

Rec'd 17 MAR 2005
INTERNATIONAL SEARCH REPORT

454526171
1st Application No. 03/04123
PCT/GB 03/04123

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A23J3/20 A23L1/28 A23J1/12

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A23J A23L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, FSTA

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A,P	WO 02 090527 A (BLANCHARD ROBIN ;FINNIGAN TIMOTHY JOHN ANDREW (GB); MARLOW FOODS L) 14 November 2002 (2002-11-14) page 15, line 7-24 page 19, line 1-6 page 35, line 7-13; table 5 ---	1-22
A,P	WO 03 007728 A (VAN DIJK ALBERTUS ALARD ;DSM NV (NL); BEUDEKER ROBERT FRANCISCUS () 30 January 2003 (2003-01-30) page 9, line 19,20 --- -/--	1-22

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *G* document member of the same patent family

Date of the actual completion of the international search

9 February 2004

Date of mailing of the international search report

17/02/2004

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4 800 093 A (GIERHART DENNIS O ET AL) 24 January 1989 (1989-01-24) example 2 column 4, line 28-37	1-7,12, 14, 16-18,21
A	column 2, line 25-27 column 7, line 50-55	8-11,19, 20,22
X	WO 02 05657 A (KNOL WIEGER ;TNO (NL); ZHU YANG (NL)) 24 January 2002 (2002-01-24) page 4, line 23-25	1,6,14, 16
A	EP 1 133 926 A (DSM NV) 19 September 2001 (2001-09-19) page 4, paragraphs 23,31 page 8, paragraphs 73,74 examples 17A,17B,20,21	1-22
A	US 5 904 943 A (FINNIGAN TIMOTHY JOHN ANDREW ET AL) 18 May 1999 (1999-05-18) column 2, line 2,3 example 1	1-22

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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 23, 5 (partial), 7 (partial)

Present claim 23 contain so many options which are poorly defined, that a lack of clarity within the meaning of Article 6 PCT arises to such an extent as to render a meaningful search of the claim impossible. Consequently, the search has not been carried out for that claim.

Additionally, present claim 5 relate to a composition defined by reference to a desirable characteristic, namely a viscosity increase over time, and claim 7 to a solubility characteristic of one of the ingredients. The claims cover all compositions having this characteristic, or compositions comprising a protein ingredient having that solubility characteristic, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compositions. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT), as an attempt is made to define the composition by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has only been carried out on the basis on the ingredient composition itself, assuming that similar compositions would then exhibit the same characteristic.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 23, 5 (partial), 7 (partial)
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

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Information on patent family members

International Application No

PCT/GB 03/04123

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 02090527	A	14-11-2002	WO 02090527 A1 GB 2375943 A GB 2390527 A	14-11-2002 04-12-2002 14-01-2004
WO 03007728	A	30-01-2003	WO 03007728 A2	30-01-2003
US 4800093	A	24-01-1989	NONE	
WO 0205657	A	24-01-2002	AU 7678401 A WO 0205657 A1	30-01-2002 24-01-2002
EP 1133926	A	19-09-2001	EP 1133926 A1 AU 4069301 A CA 2406811 A1 WO 0167886 A1 EP 1263295 A1 GB 2377943 A JP 2003526353 T US 2003157219 A1	19-09-2001 24-09-2001 20-09-2001 20-09-2001 11-12-2002 29-01-2003 09-09-2003 21-08-2003
US 5904943	A	18-05-1999	AT 185247 T AU 698504 B2 AU 4350996 A CA 2210292 A1 DE 69604562 D1 DE 69604562 T2 DK 804086 T3 EP 0804086 A1 ES 2139326 T3 WO 9621362 A1 IN 184959 A1 JP 10511857 T ZA 9600103 A	15-10-1999 29-10-1998 31-07-1996 18-07-1996 11-11-1999 04-05-2000 10-04-2000 05-11-1997 01-02-2000 18-07-1996 07-10-2000 17-11-1998 12-07-1996